

**PISANELLI BICE PLLC**  
Todd L. Bice, Bar No. 4534  
[TLB@pisanellibice.com](mailto:TLB@pisanellibice.com)  
Brianna Smith, Bar No. 11795  
[BGS@pisanellibice.com](mailto:BGS@pisanellibice.com)  
400 South 7th Street, Suite 300  
Las Vegas, Nevada 89101  
Telephone: (702) 214-2100

HUNTON ANDREWS KURTH LLP

Ann Marie Mortimer (pro hac vice)  
amortimer@HuntonAK.com  
Jason J. Kim (pro hac vice)  
kimj@HuntonAK.com  
550 South Hope Street, Suite 2000  
Los Angeles, California 90071-2627  
Telephone: (213) 532-2000  
Facsimile: (213) 532-2020

HUNTON ANDREWS KURTH LLP

Neil K. Gilman (pro hac vice)  
ngilman@HuntonAK.com  
2200 Pennsylvania Avenue, NW, Suite 900  
Washington, DC 20037-1701  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201

Attorneys for Defendant  
**MGM RESORTS INTERNATIONAL**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re: MGM Resorts International Data Breach Litigation

CASE NO.: 2:20-CV-00376-GMN-NJK

## **DEFENDANT'S RESPONSE TO PLAINTIFFS' NOTICE OF RELATED CASES**

This document relates to: All actions.

1 Plaintiffs seek to relate ten (10) additional lawsuits to this one, claiming they “involve the  
2 same claims based on similar facts being alleged against the same Defendant on behalf of  
3 substantially overlapping putative classes.” ECF No. 183, at 1:21-23. Plaintiffs fail to meet the  
4 requirements of LR 42-1. The ten (10) additional lawsuits (the “2023 Actions”), filed more than  
5 three years later, involve a wholly distinct security incident that occurred more than five years after  
6 the security incident at issue here, and are nowhere near the progress of this action. Plaintiffs have  
7 failed to establish any overlap that would justify a complete disturbance of the progress of this action  
8 beyond the identity of the defendant and use of the term “data breach.” Indeed, by the time the  
9 pleadings have settled in the 2023 Actions, discovery likely will be closed in this action, and  
10 Plaintiffs likely will have moved for class certification. Moreover, the overwhelming majority of  
11 individuals with knowledge about the 2019 security incident are former MGM employees who did  
12 not even work at MGM when the 2023 security incident occurred.

13 Given the four-year lapse between the two incidents, as well as the fact that witnesses  
14 relevant to the 2019 security incident largely no longer worked for MGM at the time of the 2023  
15 security incident, there will be a distinct set of documents relevant to the 2023 security incident.  
16 Those documents have yet to be identified, located or produced. The parties to this action have  
17 already substantially completed document productions, negotiating and resolving discovery disputes  
18 specific to those productions. Reopening the doors of discovery to encompass an entirely new  
19 universe of documents, custodians, search terms, etc., will set the progress of the case back  
20 significantly.

Hunton Andrews Kurth LLP  
550 South Hope Street, Suite 2000  
Los Angeles, California 90071-2627

For these reasons, Plaintiffs have failed to establish the 2023 Actions are related to this one, and their request to relate them should be denied. Nonetheless, if the Court is inclined to consider Plaintiffs' request, MGM respectfully requests the opportunity to brief Plaintiffs' failure to meet the requirements of LR 42-1.

Dated: December 8, 2023

HUNTON ANDREWS KURTH LLP

Ann Marie Mortimer

Neil K. Gilman

Jason J. Kim

PISANELLI BICE PLLC

By: /s/ Todd L. Bice

Todd L. Bice, Esq., #4534

Brianna Smith, Esq., #11795

400 South 7th Street, Suite 300  
Minneapolis, Minnesota 55415

Las Vegas, Nevada 89101

*Attorneys for Defendant*  
MGM RESORTS INTERNATIONAL